

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING COUNCIL CHAMBERS OCTOBER 28, 2003 9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Pro Tem Anthony W. Cobos present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power, and Paul J. Escobar. Absent: Mayor Joe Wardy and Vivian Rojas. Meeting was called to order 9:08 a.m. and the invocation was given by Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. ***Adoption Month***
2. ***Halloween Happiness Week***
3. ***West Texas Confederation of Clubs Toy Run Week***

*Motion made, seconded and unanimously carried to postpone two (2) weeks the discussion and action on the request of El Paso Bench Ads of El Paso, Inc. for an extension to its bus bench franchise which expires December 7, 2003. [David Escobar]

*Motion made, seconded and unanimously carried to delete the discussion and action to keep city park fees the same for private schools (Father Yermo Schools represented) that use city facilities for sports practices and games; hardship created due to considerable increase in fees. [Sister Elia Hernandez and Alfredo Palacio]

Motion made by Representative Lozano, seconded by Representative Escobar and unanimously carried to postpone one (1) week the discussion and action on a liquor permit/license issued by the City on 604 Mauer Street (A), El Paso, Texas, 79915. [Luis Sariñana]

Representative Lozano explained that Representative Rojas was out of town and had requested that the matter be postponed one week.

Mr. Sariñana agreed to postponing the matter one week.

Representative Cobos asked for additional information from Mr. Sariñana.

Mr. Sariñana provided information for Council Member's information and stated he would provide copies of documents to the Legal Department as requested by Mayor Pro Tem Anthony Cobos.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to suspend the Rules of Order regarding electronic voting for the remainder of the meeting.

Motion made by Deputy Mayor Pro Tem Escobar, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}). Representative Lozano was not present for the vote.

*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meetings of October 7, and October 21, 2003, and Legislative Review Committee of the Whole Meeting of August 15, 2003.

*Motion made, seconded and unanimously carried to excuse Mayor Joe Wardy and Representative Vivian Rojas from the Regular Council Meeting of October 28, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **RICHARD W. BLACK**, to assist the El Paso International Airport as a Network Systems Manager, at a biweekly rate of \$2,848.00, for 40 hours per week. The term of the contract shall be for the period of December 3, 2003 through December 2, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Assignment of the General Aviation Commercial Ground Lease for the land located at 6915 Boeing Dr. from USA Jet Airlines, Inc. to American Air Lodge, L.P.

***RESOLUTION**

Be it resolved by the City Council of the City of El Paso:

That the Mayor be authorized to sign the following contracts on behalf of the Arts and Culture Department for the **FY2004 Alfresco! Fridays**, to be held at Arts Festival Plaza as recommended by the Arts and Culture Department's Advisory Board and staff.

1. Gary and The Jive Junkies; one performance on Friday, June 4, 2004; cost \$1,000.
2. Liquid Skin; one performance on Friday, June 11, 2004; cost of \$500.
3. Maria Esther Martinez and Her Two Man Band; one performance on Friday, June 18, 2004; cost \$400.
4. The Subterraneans; one performance on Friday, June 25, 2004; cost \$400.
5. Border Roots; one performance on Friday, July 2, 2004; cost of \$600.
6. Charlie Russell, David Huerta and Friends; one performance on Friday, July 9, 2004; cost of \$650.
7. Jazz Q; one performance on Friday, July 16, 2004; cost of \$625.
8. Karizma Band; one performance on Friday, July 23, 2004; cost of \$800.
9. Treehouse; one performance on Friday, July 30, 2004; cost of \$400.
10. Ceiba; one performance on Friday, August 6, 2004; cost of \$500.
11. Café Flamenco; one performance on Friday, August 13, 2004; cost of \$800.
12. Darkyst Hour; one performance on Friday, August 20, 2004; cost \$400.
13. Mariachi Chapala; one performance on Friday, August 27, 2004; cost \$800.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contracts on behalf of the Arts and Culture Department for the FY 2004 Dia De Los Muertos Festival to be held at Arts Festival Plaza, adjacent to the El Paso Museum of Art, on Saturday, November 1, 2003.

1. Jena Camp; cost of \$150
2. Raul Garcia; cost of \$50
3. Nancy Green; cost of \$100
4. Lorenzo Guel; cost of \$150
5. Mahrla Manning; cost of \$50
6. Maria Esther Martinez and Her Two Man Band; cost of \$400
7. Cecilio Ortiz; cost of \$150
8. Ricardo Paz; cost of \$150
9. Thelma Rodriguez-Wood; cost of \$100

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*Motion made, seconded and unanimously carried to postpone one (1) week only one item, 6E 1., out of the three items in the Resolution that the Mayor be authorized to sign the following contract on behalf of the Arts and Culture Department to present the following group at the FY04 Music Under the Stars World Festival, to be held at the Chamizal National Memorial, as recommended by the Arts & Culture Department Advisory Board and Staff.

1. Sergio Martinez for Sergio Martinez and Dolores Martinez; one performance on Sunday, June 20, 2004; cost of \$4,000.

Ms. Lisa Turner, citizen, requested why the matter was being postponed and stated that discussions should taken place during the City Council meeting and not during the meetings held on Mondays.

Mayor Pro Tem Anthony provided explanation as to why the item was being postponed.

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PENDING REVISED RESO FROM ARTS & CULTURE – CYNTHIA GARCIA

***RESOLUTION**

Be it resolved by the City council of the City of El Paso:

That the Mayor be authorized to sign the following contracts on behalf of the Arts and Culture Department to present the following groups at the FY04 Music Under the Stars World Festival, to be held at the Chamizal National Memorial, as recommended by the Arts & Culture Department Advisory Board and Staff.

1. Ramon Villa for Fugal; one performance on Sunday, July 25, 2004; cost of \$750.
2. Fernando Lechuga for Azucar; one performance on Sunday, August 15, 2004; cost of \$800.

NOTE: One item out of the three posted on the agenda, Sergio Martinez for Sergio Martinez and Dolores Martinez; one performance on Sunday, June 20, 2004; cost of \$4,000), was postponed for one (1) week. See motion above.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a grant agreement and related documents "For the Renovation of the Plaza Theatre" for the "FY 2003 U.S. Department of Housing and Urban Development - Economic Development Initiative Special Projects Grant." Funding will be utilized for multiple line items including construction and administrative costs in the amount of \$894,150.00. (No Local Match Required)

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 15th day of July, 2003, after due notice and hearing, ordered INGEBURG TEJADA, record Owner of the hereinafter described property that the Building be secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to secure the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to secure the Building and clean the premises of all weeds, trash, and debris.

WHEREAS, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of securing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 14, Block 31, Tobin Park Unit Two, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 5406 Joe Herrera Drive, El Paso, Texas,

to be \$3,022.97, performed by the Street Department of the City of El Paso, \$943.80 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of \$3,966.77. The City Council finds that the work was completed on the 4th day of September, 2003, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of THREE THOUSAND NINE HUNDRED SIXTY-SIX and 77/XX DOLLARS (\$3,966.77) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 27th day of May, 2003, after due notice and hearing, ordered EZEKIEL GALVAN, JESUS MANUEL GALVAN, JUAN ANTONIO GALVAN, ELIZABETH GALVAN ROSAS, ELENA VICTORIA GALVAN GOLDSMITH, LUIS JOEL GALVAN, JOSUE EDUARDO GALVAN, ANA RUTH GALVAN URIBE, IRMA and EUNICE GALVAN, record Owners of the hereinafter

described property that the Building be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to demolish the Building and clean the premises of all weeds, trash, and debris.

WHEREAS, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of demolishing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 4, Block 18, Sun Valley #2 Subdivision, an addition to the City of El Paso, El Paso County, Texas, municipally known and numbered as 10313 Newport Street, El Paso, Texas,

to be \$5,838.53, performed by the Street Department of the City of El Paso, \$1,208.40 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report making a total of \$7,046.93. The City Council finds that the work was completed on the 4th day of April, 2003, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of SEVEN THOUSAND FORTY-SIX AND 93/XX DOLLARS (\$7,046.93) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 25th day of March, 2003, after due notice and hearing, ordered MARIA BAXLEY, EXECUTRIX OF THE ESTATE OF ANGELICA REYES, record Owner of the hereinafter described property that the Building be secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to secure the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to secure the Building and clean the premises of all weeds, trash, and debris.

WHEREAS, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of securing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

to be \$642.14, performed by the Street Department of the City of El Paso, making a total of \$642.14. The City Council finds that the work was completed on the 29th day of August, 2003, and approves the costs.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Request submitted on October 20, 2003, by Maria De Lourdes Arenas for a temporary event permit; to-wit, a block party to celebrate Cristo Rey the 500 block of Gallagher on Heidi, beginning at 8:00 a.m. and continuing until 4:00 p.m. on Sunday, October 26, 2003. (District 7)

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

WHEREAS, the Task Force was created for an initial term of one year, subject to continuation upon authorization by the Mayor and Council; and

WHEREAS, the Mayor and Council now desire to extend the term of the Mayor's Brownfields Redevelopment Task Force for 120 calendar days, beginning as of November 1, 2003; and

WHEREAS, the Mayor desires that the original nine members continue in their appointments; and

WHEREAS, the Mayor and Council also desire that the Mayor's Brownfields Redevelopment Task Force be authorized to review applications for loans from the Brownfields Cleanup Revolving Loan Fund (BCRLF) for EPA compliance, for environmental issues that are required to be addressed for the BCRLF, and for community issues. After review, the Task Force shall send recommended projects to the City/County MultiBank Revolving Loan Fund Board, also known as the Revolving Loan Fund Board, for final approval on the merits of the financial plan, review of financial statements, business plan, projected cleanup costs, and evidence of environmental insurance.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the term of the Mayor's Brownfields Redevelopment Task Force is hereby extended for 120 calendar days commencing November 1, 2003, subject to continuation upon authorization by the Mayor and Council;
2. That the original nine members of the Task Force shall continue in their appointments; and
3. That the Mayor's Brownfields Redevelopment Task Force is hereby authorized to review applications for loans from the Brownfields Cleanup Revolving Loan Fund (BCRLF) for EPA compliance, for environmental issues that are required to be addressed for the BCRLF, and for community issues. After review, the Task Force shall send recommended projects to the City/County MultiBank Revolving Loan Fund Board, also known as the Revolving Loan Fund Board, for final approval on the merits of the financial plan, review of financial statements, business plan, projected cleanup costs, and evidence of environmental insurance.

Representative Cushing stated that the scope, as written in the original resolution, had been expanded and questioned what the original intent was.

Mr. Larry E. Romero, Interim Director of Economic Development, explained that the original Resolution stated that the Economic Development Department would consult with the Empowerment Zone initially; however, under the EPA Grant, the Department could go outside the Empowerment Zone to investigate other brownfield properties throughout the City. He explained the difference between the Pilot Program Grant and the Brownfields Cleanup Revolving Loan Fund.

Representative Cook commented on the different phases of cleaning brownfield properties and the use of the Brownfields Cleanup Revolving Loan Fund to assist in the remediation of issues associated with those properties.

Representative Austin questioned paragraph three of the Resolution language changing the application process.

Mr. Romero stated that the language was not changing; however, the Department was requesting a four-month extension and noted that the request was to revise the Mayor's Brownfields Redevelopment Task Force into an "Advisory Board".

Mr. John Nance, Assistant City Attorney, explained language within the November 13, 2001 Resolution and commented on duties of the Mayor's Brownfields Redevelopment Task Force.

Motion made by Representative Austin, seconded by Representative Cook and unanimously carried to approve the above Resolution.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to accept a grant award and sign any documents that may subsequently be required from the Wal-Mart Foundation, through the Wal-Mart, 7555 North Mesa, for one Safe Neighborhood Heroes grant in the amount of \$500.00, for the purpose of providing landscaping plants and materials for xeriscaping the front yard at Fire Station 2, 111 E. Borderland. This will improve the Fire Station's appearance and promote pride among the Firefighters and Citizens who live in the Borderland area.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JERRY D. HUDSON**, to instruct and train Fire Department personnel at an hourly rate of \$15.00. Total amount of contract shall not exceed \$1,920.00 per year. The services are to commence on October 29, 2003 and be completed by October 28, 2004.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **YVONNE V. GUINN**, to assist the Information Technology Department as a Public Safety Technology Manager, at a biweekly rate of \$2,847.58 for 40 hours per week. The term of the contract shall be for the period of October 30, 2003 through October 29, 2005.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Marcos F. Casiano covering an exhibit entitled "Two Nations, Many Faces" at the Clardy Fox Library Branch of the El Paso Public Library System for the period of October 28 through December 6, 2003. This exhibition is at no cost to the City.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Fred Morales covering an exhibit entitled "History of Washington Park" at the Lower Valley Library Branch of the El Paso Public Library System for the period of November 1 through 29, 2003. This exhibition is at no cost to the City.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso Museum of Art be authorized to accept a check for \$14,000 from the Target Corporation to be used for education programs including: Family Day, two Educator Evenings, and Fall and Spring Teacher Newsletters.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the following gifts offered, identified further in Exhibit A (Exhibit A on file in the City Clerk's Office):

1. One (1) oil on canvas by Manuel Acosta, **Doña Josephina**, 34" x 38", offered by Mr. and Mrs. Calvin G. Adams, and
2. One (1) oil pastel on paper by Joseph Di Giorgio, **South West Series 90-C**, Triptych; each panel 20" x 20 ½", offered by John and Helen Di Lillo, and
3. One (1) oil on canvas over wood panel, by Joe Mancuso, **Cone**, 1994, 72" diameter, offered by Alton and Emily Steiner.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to purchase, on behalf of the City of El Paso, with funds provided by the Lipscomb Endowment Fund, the following works identified further in Exhibit A (Exhibit A on file in the City Clerk's Office):

1. One (1) oil on panel by Julie Bozzie, **Trees Beyond a Grassy Slope**, 2001, 4" x 10" panel, 13 ½" x 19 ½" framed, offered by Dunn and Brown Contemporary, Dallas, Texas, for \$3,780.00, and
2. One (1) silver gelatin photogenic drawing by Alain Clement, **Untitled #1**, 2000, 30" x 40", offered by Adair Margo Gallery, El Paso, Texas, for \$3,500.00, and
3. One (1) bronze sculpture by Harry Geffert, **Shocked**, 2003, 63" x 28" x 22", offered by Gerald Peters Gallery, Dallas, Texas, for \$10,500.00, and
4. Fourteen (14) gouache on handmade paper drawings, by Sam Reveles, **Untitled (Journey to the Place of the Skull)**, 1993, 10 ¾" x 16" each, offered by Dunn and Brown Contemporary, Dallas, Texas, for \$8,000.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to sign a Loan Agreement on behalf of the City of El Paso, for the loan of one (1) oil on panel by Julie Bozzie, **Trees Beyond a Grassy Slope**, 2001, to the Modern Art Museum of Fort Worth, Texas, for an exhibition "Julie Bozzie: Landscapes 1975-2003, to be held from November 23, 2003 - February 22, 2004. The Modern Art Museum of Fort Worth will cover the costs of packing, shipping and insurance during the loan period.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor and City Council authorize the use of a city vehicle and "Gus and Goldie" and Aquatics staff to participate in the KLAQ Halloween Parade to be held Friday, October 31, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor and City Council accept the recommendation from the Parks and Recreation Advisory Board and the Department of Parks and Recreation to name the new Senior Center, that is replacing the old Washington Park Senior Citizen Center as **"HILOS DE PLATA SENIOR CENTER."**

NOTE: Resolution language was revised.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

SAN JUAN RECREATION CENTER

DEPARTMENT ID: 51510123, ACCOUNT 502214

1. **CONTRACTOR:** Blanca Holguin, Floral Arrangement Instructor
 DATES: November 5, 2003 thru August 31, 2004
 RATE PER CL: \$12.83
 MAXIMUM AMT: \$538.86
 CONTRACT: **2003/2004-071**

2. **CONTRACTOR:** Ricardo Guerrero, Guitar Instructor
 DATES: November 5, 2003 thru August 31, 2004
 RATE PER CL: \$8.55
 MAXIMUM AMT: \$769.50
 CONTRACT: **2003/2004-072**

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for this contract is in fiscal year **2003/2004** appropriations to be approved by the City Council.

PAVO REAL RECREATION CENTER

DEPARTMENT ID: 51510115, ACCOUNT 502214

1. **CONTRACTOR:** Irma Romero, Pilates Instructor
 DATES: November 1, 2003 thru February 29, 2004
 RATE PER CL: \$10.00
 MAXIMUM AMT: \$520.00
 CONTRACT: **2003/2004-073**

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **GLORIA I. GONZALEZ-GRAELLS**, to assist the Police Department as a Victim Services Volunteer Coordinator, at an hourly rate of \$12.30, for 40 hours per week. The term of the contract shall be for the period of October 29, 2003 through August 31, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and the County of El Paso / District Attorney, 34th Judicial District of the State of Texas, for services to the City and its Police Department relating to arrests and prosecution of cases in connection with the District Attorney's Information Management System and program from September 1, 2003 through August 31, 2004, in an amount not to exceed \$366,991.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement by and between the City of El Paso and the County of El Paso, a political subdivision of the State of Texas, for the implementation of the SHOCAP Task Force in conjunction with a Juvenile Justice Accountability Grant from the Office of the Governor, Criminal Justice Division. The City will pass grant funds through to the County for a portion of the County Attorney's costs to provide training and related educational services regarding drugs, gangs and youth violence and for the hiring of a full-time tracker by the Juvenile Probation Department.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a sublease agreement by and between the City of El Paso and Cutter Aviation El Paso, Inc., relating to the Non-Commercial Aviation Ground Lease dated June 1, 1994 for the real property located at Lot 28, Block 4, El Paso International Airport Tracts Unit 2, and Lots 29 and 30, Block 4, El Paso International Airport Tracts Unit 1, for the sub-lease of a hangar for use by the Police Department for the period of December 1, 2003 through November 30, 2006.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Consent to Assignment from NAWA Medical Disposal, L.L.C. to Stericycle, Inc. with respect to the City of El Paso's Contract No. 2003-132 to provide for state-of-the-art medical waste management, including waste collection and transportation, waste tracking, cradle-to-grave waste treatment and ultimate disposal.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien Amount</u>	<u>Interest</u>	<u>Total</u>
1200 Los Angeles	\$132.07	\$65.49	\$197.56

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with FACTORY 2-U STORES to lease the company One (1) 4 Cubic Yard Dumpster at two locations, adding future sites as requested by leasor, for a service fee of \$15.00 for each Dumpster for each location for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with MISSION FOODS D/B/A BEST BUY to provide Six (6) Cubic Yard Dumpsters for a service fee of \$15.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with PETER PIPER PIZZA to lease the company Eight (8) 6 Cubic Yard Dumpster located at Eight (8) PETER PIPER PIZZA locations for a service fee of \$15.00 for each month at each location, for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 25th day of November, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 118 Northwind Drive, in El Paso, Texas, which property is more particularly described as:

Lots: A portion of Lots 8 and 9, Block 1, Alto Mesa Unit One, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 55, Page 11, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Eugenio R. Hinojosa, Jr. and Leticia C. Hinojosa, 118 Northwind Drive, El Paso, Texas 79912, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 18th day of November, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 2927 Mountain Ave., in El Paso, Texas, which property is more particularly described as:

Lots: 13 and 14, Block 7, MILITARY HEIGHTS ADDITION, an Addition to City of El Paso County, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Hector & Bertha Correa, 3116 Aurora Ave., El Paso, Texas 79930, Alphonso Correa, 5101 Bragg Ave, El Paso, Texas 79930, Manuel Correa (deceased), and Arturo Correa (deceased) are listed as the Owners of the real property described herein.

The Owners of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 18th day of November, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 5833 Porpoise Dr., in El Paso, Texas, which property is more particularly described as:

Lot: 9, Block 17, DOLPHIN TERRACE UNIT 3, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 1, Page 49, Plat Records of El Paso County, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Mario and Nancy Ramirez, 5833 Porpoise Dr., El Paso, TX 79924 are listed as the Owners of the real property described herein.

The Owners of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
 *Motion made, seconded and unanimously carried to approve the request to fill the following positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Recreation Leader II (1)
 Recreation Leader II (1)

.....
 *Motion made, seconded and unanimously carried to approve the Staffing Table Change for Metropolitan Planning Organization

Delete	1.00	Accounting Technician	GS20
Add	1.00	Accountant III	PM79

.....
 *Motion made, seconded and unanimously carried to approve the Staffing Table Change for Mayor & Council

Delete	1.00	Secretary III	GS19
Add	1.00	Administrative Assistant	GS23

Delete	1.00	Secretary III	GS19
Add	1.00	Administrative Assistant	GS23

Delete	1.00	Secretary III	GS19
Add	1.00	Administrative Assistant	GS23

.....

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Economic Development

Delete	1.00	Economic Development Director	EX-C
Add	1.00	Economic Development Director	EX-B

.....
*Motion made, seconded and unanimously carried to approve the Staffing Table Change for City Attorney

Add	2.00	Clerical Assistant	GS6
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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Airport

Add	4.00	Custodial Worker	GS7
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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Health

Delete	2.00	Environmental Health Inspector	GS19
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*Motion made, seconded and unanimously carried to re-appoint Bernard J. Sargent to the Parks & Recreation Advisory Board by Representative Susan Austin, District 1.

.....
*Motion made, seconded and unanimously carried to re-appoint Carl V. Daniel, Jr. to the Historic Landmark Commission (Architect position) by Representative Susan Austin, District 1.

.....
*Motion made, seconded and unanimously carried to appoint Eddie Holguin Jr. to the Greater El Paso Civic, Convention and Tourism Advisory Board by Representative Jose Alexandro Lozano, District 3.

.....
*Motion made, seconded and unanimously carried to appoint Charlotte S. Johnson to the Parks and Recreation Advisory Board by Mayor Joe Wardy.

.....
*Motion made, seconded and unanimously carried to appoint Marilie K. Sage to the City-County Animal Shelter Advisory Committee by Representative Susan Austin, District 1.

.....
*Motion made, seconded and unanimously carried to appoint Jill Jackson to the Information Technology Advisory Board by Representative Daniel S. Power, District 5.

.....
*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #C214-999-0020-9200, \$367.48 per month installments on a balance of \$4,409.76 for 2002 taxes; Alberto & Grecia Escobar – 5937 Mira Hermosa.
- B. PID #E014-999-0160-2600, \$677.16 per month installments on a balance of \$4,062.96 for 1998, 2001 & 2002 taxes; Manuel I. Garza – 2930 Magoffin.
- C. PID #E338-999-0010-3500, \$264.90 per month installments on a balance of \$3,178.80 for 2000, 2001 & 2002 taxes; Josefina A. A. Carpio – 4006 Oak.

.....
*Motion made, seconded and unanimously carried to approve the request to allocate Five Hundred Dollars (\$500.00) from District 3 Discretionary Funds to the Firefighter Combat Challenge Team of the El Paso Fire Department by Representative Jose Alexandro Lozano, District 3.

*Motion made, seconded and unanimously carried to approve the request that the Motion of April 22, 2003, to extend Cellular Telephone Services, Contract 2000-167R, with Voice Stream Wireless through October 31, 2003 be amended to extend contract through December 31, 2003 to allow for the opening and evaluating of proposals and award of RFP2004-016R Cellular Telephone Services.

Department: Public Safety Technology
Account No: Various
Funding Source: Various
Total Amount: \$22,000.00 (Estimated)

.....
*Motion made, seconded and unanimously carried that the Director of Purchasing be authorized to exercise the City's option to extend the term of the contract, for five (5) additional years, from January 1, 2004 through December 31, 2009, pursuant to the provisions of Contract 1999-31-006R, Food Concession for City Hall, with Texas Commission for the Blind, Austin, Texas. This is a revenue-generating contract.

Furthermore, it is requested that staff be authorized to negotiate, Legal to review and that the Mayor be authorized to sign any and all additional documents and/or agreements as necessary.

Option No.: One (of One)
Department: Municipal Services
Funding source: Revenue Generating

NOTE: Request was revised from "January 1, 2003 through December 31, 2008," to "January 1, 2004 through December 31, 2009".

.....
*Motion made, seconded and unanimously carried that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for two additional years, from December 12, 2004 to December 11, 2006 pursuant to the provisions of Contract 2002-023-C1 with Advance Auto Collision Repair Center, Inc., El Paso, Texas for Wheel & Axle Alignment.

Option No.: One (of One)
Department: Fleet Services
Funds available: 37370510-503121
Funding source: Fleet Services Fund
Total award: \$8,000.00 (annual estimate)

.....
*Motion made, seconded and unanimously carried that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for two additional years, from December 12, 2004 to December 11, 2006 pursuant to the provisions of Contract 2002-023-C2 with El Paso Tire Center, Inc., El Paso, Texas for Wheel & Axle Alignment.

Option No.: One (of One)
Department: Fleet Services
Funds available: 37370510-503121
Funding source: Fleet Services Fund
Total award: \$4,000.00 (annual estimate)

.....
*Motion made, seconded and unanimously carried to approve Change Order No. Seven (Construction Change) Southwest Growth Corporation for "Nichols Parkway & Roadway Improvements Project" for an increase amount of \$25,765.68. An increase in the Contract amount due to work requested by El Paso Water Utilities due to unforeseen conflicts that include; manholes, sanitary sewer lines, sewer and water services and repairs on a rupture water line. (Contract No. 2003-013)

*Motion made, seconded and unanimously carried to approve Change Order No. Two (Construction Change) El Paso Disposal for (Delta Transfer Station-Rebid) four additional years of warranty to include parts and labor on any needed repairs, effective after one year warranty from construction contract, Amendment No. 1 Section 2.08 "Warranty" is complete. The request is for an increase amount of \$ 32,650.00. (Contract Number 2003-105)

.....
*Motion made, seconded and unanimously carried to award Bid No. 2003-197 Janitorial Services for the El Paso Public Libraries

Award to:	Vendor 1:	The Eagle Janitorial Services El Paso, Texas
Item (s):		Area 1
Amount:		\$36,605.25 (estimated annually)
Award to:	Vendor 2:	Maheir Janitorial Service El Paso, Texas
Item (s):		Area 2
Amount:		\$30,693.60 (estimated annually)
Award to:	Vendor 3:	Pedus Services Inc. El Paso, Texas
Item (s):		Area 3
Amount:		\$63,376.68 (estimated annually)
Department:		Municipal Services/Building Maintenance
Funds available:		31010326-01101-502206
Funding source:		General Funds, Janitorial Maintenance Services Contract
Total award:		\$392,026.59

The Departments of Municipal Services/Building Maintenance and Purchasing recommend award as indicated as this vendor has provided the Best Value Bid meeting all criteria.

This is a thirty-six (36) month contract with no option to extend the term of this contract. Additionally, The Eagle Janitorial Services offers a 3% 20 days prompt payment discount and Maheir Janitorial Services offers a prompt payment discount of 3%10 Days.

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*Motion made, seconded and unanimously carried to award Bid No. 2003-203 Police Motorcycles (Rebid)

Award to:	Edge Kawasaki El Paso, Texas
Item (s):	#1
Amount:	\$121,394.10
Department:	Police
Funds available:	508006-27260-04252003-PMB0004130
Funding source:	FY03 City Capital Equipment – Certificates of Obligation
Total award:	\$121,394.10

The Fleet Services, Police and Purchasing Departments recommend award as indicated to the Best Value Procurement. The bid also offered the lowest price.

This is a fixed-price, single (one-time) purchase, to purchase Police Motorcycles. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within six (6) months from the date of award of the contract. No prompt payment discount is offered.

.....
Motion made, seconded and unanimously carried to move to the regular agenda Bid No. 2003-227 Medical Supplies:

Mr. Byron Johnson, Director of Purchasing, explained that a tie was determined pertaining to one item in the bid and he requested that a drawing of lots be performed. He requested that language be added to the motion noting that through the drawing of lots the tie was broken for item #28.

Mayor Pro Tem drew lots for Item #28 to break the tie between Southeastern Emergency Equipment (Vendor 8) and Tri-Anim Health Services, Inc. (Vendor 9). Winner was Tri-Anim Health Services, Inc.

Motion made by Deputy Mayor Pro Tem Escobar, seconded by Mayor Pro Tem Cobos and unanimously carried to award Bid No. 2003-227 Medical Supplies

Award to:	Vendor 1:	Armstrong Medical Industries, Inc. Lincolnshire, IL
Item (s):		#3
Amount:		\$6,772.50 (estimated annually)
Award to:	Vendor 2:	Bound Tree Medical, LLC Tempe, AZ
Item(s):		#10 and #34
Amount:		\$18,197.40 (estimated annually)
Award to:	Vendor 3:	Emergency Medical Products, Inc. Waukesha, WI
Item(s):		#3 (adult), #4, #5, #9, #11, #12, #15, #16, #17, #18, #19, #24, #25, #30, #31, #32, #37, and #38
Amount:		\$69,321.18 (estimated annually)
Award to:	Vendor 4:	EMS USA Shepherdsville, KY
Item(s):		#1, #2A thru #2G, #13, #20 (ped), #21, #22, and #27
Amount:		\$12,997.00 (estimated annually)
Award to:	Vendor 5:	Matrix Medical, Inc. Ballantine, SC
Item(s):		#20 (adult), #26, and #29
Amount:		\$2,452.00 (estimated annually)
Award to:	Vendor 6:	Moore Medical Corp. New Britain, CT
Item(s):		#7 and #8
Amount:		\$2,100.00 (estimated annually)

Award to:	Vendor 7:	Quadmed, Inc. Jacksonville, FL
Item(s):		#2H, #14 and #35
Amount:		\$420.45 (estimated annually)
Award to:	Vendor 8:	Southeastern Emergency Equipment Youngsville, NC
Item(s):		#6
Amount:		\$10,485.00 (estimated annually)
Award to:	Vendor 9:	Tri-Anim Health Services, Inc. Sylmar, CA
Item(s):		#23, #33, #36 and #28
Amount:		\$11,431.00 (estimated annually)
Department:		Fire
Funds available:		22010320-503112
Funding source:		General Funds
Total award:		\$268,353.06

The Fire and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor #1, #2, #4, #5, and #7 offer the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award.

Item #28 was quoted at identical prices by two vendors, Southeastern Emergency Equipment & Tri-Anim Health Services. The Fire and Purchasing Departments request that the Mayor and City Council draw lots on these offers to determine award.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

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 *Motion made, seconded and unanimously carried to award Bid No. 2004-011 Ballistic Helmets with Face Shields

Award to:	Southwest Law Enforcement El Paso, Texas
Item (s):	#1 and #2 (all)
Amount:	\$95,772.50 (total award)
Department:	Police
Funds available:	04102010-21150048-508007-G210223
Funding source:	Capital Funds and Grant - LLEBG Equipment & Technology
Total award:	\$95,772.50

The Police and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option of purchasing one hundred (100) percent of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of the award.

This is a fixed-price, single (one time) purchase, for Ballistic Helmets with Face Shields for the Police Department.

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*Motion made, seconded and unanimously carried to approve budget transfer BT2004-051 COMMUNITY AND HUMAN DEVELOPMENT

To establish budget for Public Service Board (PSB) portion of the construction of Nichols Road Street and Drainage Improvement a 28th (2002-2003) Community Development project.

Increase	\$5,634	to	71150065/G7128PS00237737/508027	Contingencies
Increase	\$5,634	to	71150065/G7128PS00237737/406002	LocalGrntProc

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*Motion made, seconded and unanimously carried to approve budget transfer BT2004-059 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to transfer \$5,000 within the Zoo Parking Garage project to fund appraisals. **District 3** funding source is 2000 Quality of Life bonds.

Increase	\$5,000	to	31130614/PPW005700860072/508019	Appraisals
Decrease	\$5,000	from	31130614/PPW005700860072/508000	Land

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-062 PARKS AND RECREATION

The budget transfer requests a new appropriation for the Northeast Recreation Center to purchase a pool table for recreational use and to recarpet the daycare office. Existing pool table is in bad shape; carpeting is worn out and unsafe. Funds are available in accumulated surplus.

Increase	\$1,800	to	51510107/P50021116311/407001	Est Rev
Increase	\$1,800	to	51510107/P50021116311/508009	Furniture
Increase	\$ 600	to	51510107/P50021116311/407001	Est Rev
Increase	\$ 600	to	51510107/P50021116311/508003	BldgImprvmts

NOTE: This budget transfer request was revised to add "for the Northeast Recreation Center".

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-064 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$294,000 for the design and environmental studies for Sunland Park Drive from Doniphan Drive to the NM/Texas state line. Funding source is FY 03 sale of CO's.

Increase	\$294,000	to	31260001/PPWST0301660631/407020	Bond Proc
Increase	\$ 14,000	to	31260001/PPWST0301660631/508051	Prog Mgmt
Increase	\$200,000	to	31260001/PPWST0301660631/508050	Cont A/E
Increase	\$ 80,000	to	31260001/PPWST0301660631/508052	Environ Eng

.....
*Motion made, seconded and unanimously carried to approve the request of Celestina Cuellar to block off 800 block of Olson between Yandell and El Portal on November 9, 2003 from 2:00 p.m. to 5:00 p.m. for a block party. Approximately 300 persons will take part and 100 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 03-167 [Juanita Herrera]
.....

*Motion made, seconded and unanimously carried to approve the request of the El Paso Central Business Association to use amplification (1 microphone and 2 speakers) at San Jacinto Plaza on December 18, 2003 from 6:00 p.m. to 9:00 p.m. Approximately 10 persons will take part and 200 spectators are anticipated. PERMIT NO. 03-166 [Alonso Flores]

.....
*Motion made, seconded and unanimously carried to approve the request of Amigos de las Mujeres de Juarez to hold a demonstration at 910 E. San Antonio-sidewalk/steps on November 1, 2003 from 10:00 a.m. to 1:00 p.m. Approximately 20-30 persons and 4-5 vehicles will take part. PERMIT NO. 03-173 [Marisa Silva]

.....
*Motion made, seconded and unanimously carried to approve the request of STARS-Sexual Trauma & Assault Response to hold a footrace/walk on November 1, 2003 from 8:30 a.m. to 10:30 a.m. Route: Start at Roxbury to Riverbend, turn right on Riverbend to Sunset, turn left on Sunset to Vista Del Monte, turn right on Vista Del Monte to Meadowlark, turn left on Camino Real to Montoya, turn left on Montoya to Meadowlark, turn left on Meadowlark to Vista Del Monte, turn right on Vista Del Monte to Sunset, turn left on Sunset to Riverbend, turn right on Riverbend to Perth, turn right on Sussex to Roxbury and finish in front of Pavillon. Approximately 400 persons will take part and 200 spectators are anticipated. This request includes permission to use amplification (one hand held microphone system). PERMIT NO. 03-168 [Ari Medina]

.....
*Motion made, seconded and unanimously carried to approve the request of the Acosta Center - Parks & Recreation to use amplification (2 large speakers-100-200 watts, 50 amps total, and P.A. system) at Eastwood Park on October 31, 2003 from 6:00 p.m. to 10:00 p.m. Approximately 1,000 persons will take part and 1,000 spectators are anticipated. PERMIT NO. 03-170 [Paula Powell]

.....
Motion made, seconded and unanimously carried to move to the forefront of the regular agenda the following:

Motion made by Representative Escobar, seconded by Representative Cobos and unanimously carried to approve the request of Border Network for Human Rights to hold a Day of the Dead Remembrance and Procession on November 1, 2003 from 9:30 a.m. to 12:30 p.m. and to allow for three payments over ninety-days. Route: Start at the corner of Great Bear and San Marcial, proceed on San Marcial to Paisano, turn left on Paisano to Park, turn left on Park to Father Rahm, turn right on Father Rahm to Santa Fe, turn left on Santa Fe to Calleros, turn right on Calleros and finish at Chihuahua where a ceremony and celebration will take place. Approximately 100 persons and 2 vehicles will take part. This request includes permission to use amplification (2 speakers, 1 microphone, and 1 amplifier will be used for the ceremony at the end of the procession). The applicant agreed to obeying traffic signals and for participants to stay on the sidewalk which decreased the amount of Police officers to 15 and 15 vehicles to monitor the event, for a revised estimated cost to the applicant of \$1,342.50. PERMIT NO. 03-172 [Fernando Garcia]

Representative Austin requested that the item be moved to the forefront for discussion.

Mr. Fernando Garcia, Director of Border Network for Human Rights, explained that the parade was to remember individuals who had died while trying to cross the International border between Mexico and the United States and to remember women who had died in Ciudad Juarez. He commented on the high cost of the parade. He noted that last year's parade route for the Border Network for Human Rights event was not the same as this year's parade route.

Commander Cliff Walsh, El Paso Police Department, explained the methodology utilized by the Police Department when determining the cost of parades. He noted that the parade route for this event was lengthy and that he would meet with the applicant to discuss the possibility of revising the parade route.

Representative Cook questioned of Commander Walsh about last year's event.

Representative Austin asked that guidelines be established when Council Members request fees be waived or when co-sponsoring events.

*Motion made, seconded and unanimously carried to approve the request of D.A.R.E (Drug Abuse Resistance Education) to hold a 10k run/5k walk on November 15, 2003 from 8:00 a.m. to 12:00 p.m. Route: Start at 4190 N. Mesa, proceed south to Brentwood, east to Stanton, south to Kirby, north to Rim, west on Scenic to Robinson, south on Robinson to Stanton, and retrace course back to 4176 N. Mesa. Approximately 300 persons will take part and 150 spectators are anticipated. PERMIT NO. 03-169 [Officer Paul E. Pacillas]

Motion made by Mayor Pro Tem Cobos, seconded by Representative Cushing and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance vacating a portion of a sixteen foot wide alley within Block 91, Alexander Addition, City of El Paso, El Paso County, Texas.**
- B. An Ordinance vacating an easement located within a portion of a 16-foot wide alley (vacated), Block 91, Alexander Addition, El Paso, El Paso County, Texas.**

PUBLIC HEARING WILL BE HELD ON NOVEMBER 11, 2003 FOR ITEMS A – B

- C. An Ordinance changing the zoning of Parcel 1: Lots 6-15 and a 16 Foot vacated alley between Lots 6-15, Block 91, Alexander Addition, El Paso, El Paso County, Texas (1811 N. Mesa Street and 1812 N. Oregon Street) from A-O/c (Apartment-Office/conditions) and A-O/c/sp (Apartment-Office/conditions/special permit) to S-D (Special Development); and Parcel 2: Lot 10 & a Portion of Lot 9, Block 77, Alexander Addition, El Paso, El Paso County, Texas (120 W. Rim Road) from A-O (Apartment-Office) to S-D (Special Development). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00041. Applicant: HCA Health Services of Texas, Inc. dba Las Palmas Medical Center/Representative: CSA Consulting Engineers, 1845 Northwestern Drive, Suite C, El Paso, TX 79912
- D. An Ordinance amending Title 20 (Zoning) Chapter 20.02 (General Provisions and Definitions), Article II, Definitions, to add Section 20.02.513, (Mobile Service Units); to amend Chapter 20.08 (General Design and Use Regulations) of the El Paso Municipal Code to add 20.08.207 (Regulation of Mobile Service Units); and to amend Section 20.64 (Off-Street Parking and Loading Requirements) Section 20.64.110 (Use Restrictions). The penalty is as provided in 20.68 of the El Paso Municipal Code. Applicant/Representative: City of El Paso/Planning, Research & Development, #2 Civic Center Plaza, El Paso, TX 79901

PUBLIC HEARING WILL BE HELD ON NOVEMBER 18, 2003 FOR ITEMS C – D

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

NOTE: The following Ordinance (A) was revised to add the word "wide": An Ordinance vacating a portion of a sixteen foot wide alley within Block 91, Alexander Addition, City of El Paso, El Paso County, Texas.

Motion made by Representative Cook, seconded by Representative Escobar and carried to terminate with Ivan's Pumping Service, Contract Number 1999-51-269 for Rental of Portable Restrooms for default pursuant to Clause No. 8B of the Contract, an item titled Termination for Default, whereby the City reserved the right to terminate the Contract for default.

The user Department was notified and a new solicitation will be issued.

AYES: Representatives Austin, Cushing, Cook, Power, Escobar and Cobos
NAYS: Representative Lozano
EXCUSED: Representative Rojas

Mr. Ivan Lopez, Ivan's Pumping Service, stated that a mistake had been made and requested one week postpone to allow time to speak with the Representatives.

Mr. Byron Johnson, Director of Purchasing, provided background information pertaining to the termination of the contract with Ivan's Pumping Service. He responded to questions by Representative Austin.

Representative Escobar stated that he had received complaints pertaining to the portable restrooms located at Capistrano Park. He commended Mr. Johnson for terminating the contract and requested that close supervision be given to the new vendor to ensure that the portable restrooms at the parks be serviced in a timely manner.

Representative Cobos stated Mr. Lopez could request appointments to meet with the individual Representatives if he so desired.

NOTE: Request was revised from "Clause No. 18B" to "Clause No. 8B".

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Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to approve the appeal by Arturo Perez of MIA Ventures for The Beach House Bar and Grill at 12111 Montwood on the denial of a license for the sale of alcoholic beverages due to the business's proximity to a school in accordance with Section 20.08.090(B)(1) and 20.08.090(B)(4) of the El Paso Municipal Code based on the finding that it constitutes a hardship to the property owner.

Mr. Said Larbi-Cherif, Interim Director of Building Permits and Inspections, explained the denial of the permit to sell alcoholic beverages at the restaurant due to the close proximity of the restaurant to schools Helen Ball Elementary School and Montwood High School. He provided a map showing the exact location of the restaurant and provided measurements.

Mr. Salvador Vera, JC General Contractors representing Arturo Perez, stated that several businesses, in the area, sell alcoholic beverages and that the restaurant would not influence the students attending the nearby schools.

Ms. Leticia Contreras, JC General Contractors, explained that the proposed operating hours of the restaurant would be from noon to 10:00 p.m.

Representative Power stated that the restaurant provided a needed infill and moved to approve the appeal based on the finding that it would prove a hardship on the property owner.

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No action was taken on the discussion and action on the specific proposals to be included in the Ordinance establishing a charter election for February 7, 2004.

Mr. Jim Martinez, Chief Administrative Officer, provided copies of the draft text pertaining to the proposed Charter Amendments and noted that Mayor Joe Wardy had removed most of the previous administration's proposed Charter Amendments. He explained that Mayor Wardy had requested that four Charter Amendments appear on the ballot for the February 7, 2003 election.

Representatives Power commented on the City Manager form of government and the pay for the City Manager and asked questions of City staff. He stated, for the record, that if the citizens of El Paso approved the City Manager form of government, then the current pay scale for City Council Members would be adequate and requested that Section 5.5 be stricken from the proposed Charter Amendment language.

Ms. Elaine Hengen, Assistant City Attorney, explained the tabulation/calculation used to find the proposed salaries for Council Members. She stated that the current HUD income limits for a family of four in El Paso County, used in connection with the HUD HOME Program, was \$41,200.00.

Mayor Pro Tem Cobos stated that many public hearings had been held regarding the proposed Charter Amendments and called a Special City Council meeting for Friday, October 31, 2003 to discuss which amendments should be on the ballot.

Representative Cushing commented on the inclusion of the uniformed services pension issue.

Ms. Lisa A. Elizondo, City Attorney, stated she would present that language to Council Members expeditiously.

Representative Lozano stated that \$24,000.00 would be appropriate as a Council Member salary.

Representative Cook requested that the language pertaining to Proposition 3 be struck and commented on the responsibilities of the City Manager and Council Members. He noted that the responsibilities of the Council Members would not diminish; however, the Mayor would now be considered part of the Legislative Branch rather than the current Executive Branch of City government and the responsibilities of the Mayor would diminish.

Mr. Jim Martinez, Chief Administrative Officer, requested that the meeting be held on Monday as Mayor Wardy was out of town and would like to be a part of the meeting.

Representative Cobos explained that a meeting on Friday, as well as a Monday meeting, should be scheduled.

Representative Austin stated she would share the information regarding the City Manager form of government she has compiled and commented on sections within the proposed Charter Amendments.

Ms. Hengen identified the September 1, 2005 as the correct date for the City Manager to assume office if the proposal passes.

Ms. Lisa Turner, citizen, questioned when the proposed Charter Amendments would be posted to the City's website for public viewing.

.....
Motion made by Representative Austin, seconded made by Representative Escobar and unanimously carried that the El Paso Regular City Council Meetings scheduled for the weeks of December 22nd and December 29th, 2003, be changed to Monday, December 22nd, 2003 and Friday, January 2, 2004, respectively.
.....

Motion made by Representative Escobar, seconded made by Representative Power and unanimously carried to authorize the City Engineer to sign and submit an application and any related documents, for a special use permit for governmental use for the new Lower Valley Branch Library located at 7958 San Paulo Drive; and that the Planning, Research & Development Department be authorized to accept and process such application.

NOTE: The address for the Lower Valley Branch Library was revised from "7969 San Paulo Drive" to "7658 San Paulo Drive".

.....
Motion made by Representative Lozano, seconded made by Representative Power and unanimously carried to authorize the City Engineer to sign and submit an application and any related documents, for a special use permit for off-site, off-street parking to meet parking requirements for the San Juan Recreational Center located at 701 N. Glenwood; and that the Planning, Research & Development Department be authorized to accept and process such application.

.....
Motion made by Representative Austin, seconded made by Representative Escobar and unanimously carried to authorize the Parks and Recreation Department to sign and submit an application and any related documents, to rezone City-owned property legally described as a portion of Lot 2, Block 1, Whitfield Unit One, said property proposed for use as a City Park by the Development Coordinating Committee; and that the Planning, Research & Development Department be authorized to accept and process such application.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Amendment to Declaration of Covenants, Conditions and Restrictions between ENRIQUE CERVANTES, successor in interest of Franz and Hedwig L. Janicek, and the CITY OF EL PASO, dated July 10, 1996 to release use restrictions for *HEDWIG CENTER SUBDIVISION* in El Paso County as further described in Exhibit "A" to said Contract (Exhibit "A" on file in the City Clerk's Office).

There being no public comment, the vote was taken.

Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

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ORDINANCE 15588

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO MUNICIPAL CODE, TO ADD A SUBSECTION IDENTIFYING THE SPEED LIMIT AS THIRTY-FIVE MILES PER HOUR ON TIERRA ESTE ROAD FROM ZARAGOZA ROAD (FM 659) NORTH TO CITY LIMITS. THE PENALTY AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Motion duly made by Representative Power, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, and Cobos

NAYS: None Absent: Council Member Rojas and Mayor Joe Wardy

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to postpone one (1) week an Ordinance revising the Fee Schedule for the Fire Department Medical Services System of the City of El Paso and repealing any previous fee structures.

Representatives Lozano, Power, Cushing, Cobos, Cook, and Austin provided comments and asked questions of City staff.

Medical Chief Loretta Jordan provided information and answered the Council Member's questions.

Mr. David Almonte, Director of OMB, provided information and answered the Council Member's questions.

Mr. Jim Martinez, Chief Administrative Officer, provided information and answered the Council Member's questions.

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ORDINANCE 15589

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO CREATE THE CLASS OF CAPITAL ASSETS MANAGER.**

There being no public comment, the vote was taken.

Motion duly made by Representative Cushing, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, and Cobos

NAYS: None Absent: Council Member Rojas and Mayor Joe Wardy

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15590

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF ECONOMIC DEVELOPMENT DIRECTOR.**

Representatives Cushing, Power, and Austin provided comments and asked questions of Ms. Terry A. Bond, Director of Human Resources.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cushing, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, and Cobos

NAYS: None Absent: Council Member Rojas and Mayor Joe Wardy

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinance was revised.

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ORDINANCE 15591

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE AUTHORIZING THE TEMPORARY CLOSURE OF SAN FRANCISCO AVENUE (TROLLEY LANE) BETWEEN EL PASO STREET AND SANTA FE STREET FOR A CITY-SPONSORED DIA DE LOS MUERTOS CULTURAL EVENT ON NOVEMBER 1, 2003.**

There being no public comment, the vote was taken.

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, and Cobos

NAYS: None Absent: Council Member Rojas and Mayor Joe Wardy

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15592

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE YSLETA DEL SUR PUEBLO TO TEMPORARILY CLOSE A PORTION OF OLD PUEBLO ROAD BETWEEN ALAMEDA AVENUE AND SOCORRO ROAD FOR A CAR SHOW ON SUNDAY, NOVEMBER 2, 2003.**

There being no public comment, the vote was taken.

Motion duly made by Representative Escobar, seconded by Representative Cushing, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, and Cobos

NAYS: None Absent: Council Member Rojas and Mayor Joe Wardy

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance changing the zoning of a Portion of Lot 3, Block 46, Sun Ridge Unit 12, El Paso, El Paso County, Texas (Zaragoza Road & Sun Fire Blvd.) from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract) and imposing certain conditions. The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00032. Applicant: E.P. Summit Investments, L.P./ Representative: David Etzold, 201 East Main, Suite 103, El Paso, TX 79901.

Representative Escobar explained that he had met with the developer and would to hold a community meeting in order that accurate information be disseminated.

Mr. Marcelo Rivera, representing the Sun Ridge Neighborhood Association, asked that the item not be postponed as the Association would incur additional costs for his services. He noted that the Association was opposed to the proposed rezoning of the property. He added that some of the residents were in the audience today to hear the matter.

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ORDINANCE 15593

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 25 & 26, BLOCK 92, BASSETT ADDITION, EL PASO, EL PASO COUNTY, TEXAS (2617 MONTANA AVENUE) FROM A-2 (APARTMENT) TO S-D (SPECIAL DEVELOPMENT) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY IS AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, and Cobos

NAYS: None Absent: Council Member Rojas and Mayor Joe Wardy

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15594

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 11-16, BLOCK 65, FRANKLIN HEIGHTS ADDITION, EL PASO, EL PASO COUNTY, TEXAS (1020 MONTANA AVENUE) FROM A-2 (APARTMENT) TO S-D (SPECIAL DEVELOPMENT). THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

There being no further public comment, the vote was taken.

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor Pro Tem ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, and Cobos

NAYS: None Absent: Council Member Rojas and Mayor Joe Wardy

Whereupon the Mayor Pro Tem ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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*Motion made, seconded and unanimously carried to postpone one (1) week a Resolution that the Mayor be authorized to sign an Amendment to the Contract between the CITY OF EL PASO and ERNEST COCA and wife BERTHA COCA, dated Oct. 11, 1988; to release Conditions #5 and 7, amending Condition 1 to read as follows: *"No building shall be located closer than 40 feet to Lots 8 and 9, Nueces Place"*, amending Condition 8 to read as follows: *"No building shall be located closer than 15 feet to the southerly property line adjacent to Tracts 11A & 11B, Block 19, and Tracts 9D, 9E, 9F, 9G, 9H, & 9J, Block 17, YSLETA GRANT, El Paso, El Paso, County, Texas"*, and adding a new condition requiring detailed site development plan review and approval on the property described as *Tracts 9B, 9C, 9KL1, and 9L, Block 17 and Tract 17, Block 19, YSLETA GRANT, El Paso, El Paso County, Texas*. Applicant: Ernest & Bertha Coca / Representative: Dorado Engineering, Inc., 2717 E. Yandell, El Paso, TX 79903.

Representative Lozano requested the item be postponed one week.

Mayor Pro Tem Cobos noted that with the absence of Representative Rojas it would be appropriate to postpone the matter one week.

Ms. Marilyn Mischen, citizen, made remarks regarding previous public meetings and objected to the proposed postponement. She noted that seven members of the Council were present and that the matter should be heard today.

Mr. Bill Mischen, citizen, requested that he be allowed to speak today.

Representative Lozano stated that he would vote in favor of the Neighborhood Association and moved to postpone one week. Representative Cushing seconded.

.....
*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance amending Title 13 (Streets Sidewalks and Public Places), Chapter 13.20 (Miscellaneous Street and Sidewalk Use Regulations), Section 13.20.110 (Bus Bench Franchises) to revise provisions related to franchise terms and delete certain civil penalties for illegal bus benches.

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*Motion made, seconded and unanimously carried to delete a public hearing to determine if the Council Resolution of April 29th, 2003, for the property located at 4473 Eleanor Street, in the City of El Paso (legal description on file with the City Clerk) has been complied with and if not to determine penalties. The owner of record as of January 10th, 2003, Fernando Lopez, 10360 Jimenez Lane, El Paso, Texas 79927, has been notified of the violations at this property. As of January 25th, 2003, \$0 are owed in taxes.

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RESOLUTION

WHEREAS, the Interim Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 1001 Hills Street, in El Paso, Texas, which property is more particularly described as follows:

Lot: 10, Block 31, Magoffin's Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 14, Page19, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, **Estate of Aracadio Orozco and Maria A. Orozco, C/O Maria Chavez, 1701 Bouser St., Ternton, MO 64683-1210**, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on October 7th, 2003 which was postponed until October 28th, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. Since the owners have failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.
1. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the Building be demolished within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
 - d. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - e. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Interim Director for Building Permits and Inspections shall demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with demolishing the Building and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with demolishing the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and

- b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
 8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
 9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
 10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the department's recommendation(s).

There being no further public comment, the vote was taken.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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 Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried to postpone five (5) weeks a public hearing to determine if the property located at 807 E. Fourth Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated June 23rd, 2003. The owners of this property, Jose Luis Cadena and Alma Delia Hernandez, 1107 Delta Drive #B, El Paso, Texas 79901 and Jesus Rivera, 1200 N. Copia Street, El Paso, Texas 79903, have been notified of the violations at this property. Delinquent taxes in the amount of \$1,540.45.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the department's recommendation(s).

Mr. George Butterworth, attorney representing the lender, provided background information regarding the properties original condemnation date.

Mayor Pro Tem Cobos requested the matter be postponed.

Representatives Austin and Power provided comments and asked questions of City staff.

Ms. Teresa Garcia, Assistant City Attorney, responded to Council Member's questions.

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*Motion made, seconded and unanimously carried to delete a public hearing to determine if the property located at 7929 Mansfield Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated July 7th, 2003. The owners of this property, Jose Lopez Castillo and Maria Lidia Corral de Lopez, Calle Efren Ornelas 1245, Ciudad Juarez, Chihuahua 32317-0000 and Jose Lopez Castillo and Maria Lidia Corral de Lopez, 7929 Mansfield Avenue, El Paso, Texas 79915, have been notified of the violations at this property. Delinquent taxes in the amount of \$3,327.93.

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ADDITION TO THE AGENDA

*Motion made, seconded and unanimously carried to re-appoint Ernesto C. Armendariz to the City Accessibility Advisory Committee by Mayor Pro Tempore Anthony W. Cobos, District 8.

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*Motion made, seconded and unanimously carried to approve the request authorizing to allocate Seven Hundred Fifty Dollars (\$750.00) from District 2 Discretionary Funds to the Firefighter Combat Challenge Team of the El Paso Fire Department.

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Motion made, seconded and unanimously carried to take the following two items at last of the regular agenda prior to executive session and to take them together:

- Discussion and action regarding Project Manager for 2000 Quality of Life bond projects.
- Discussion and action on immediate submittal of disputes between the City of El Paso and Perspectiva + 3D/I to non-binding mediation pursuant to Section 10.10 of Planning and Project Management Services Agreement for the 2000 Quality of Life Bond Issue Program.

Ms. Lisa A. Elizondo, City Attorney, requested that the item - discussion and action regarding Project Manager for 2000 Quality of Life bond projects be discussed simultaneously with the following item - discussion and action on immediate submittal of disputes between the City of El Paso and Perspectiva + 3D/I to non-binding mediation pursuant to Section 10.10 of Planning and Project Management Services Agreement for the 2000 Quality of Life Bond Issue Program, and that discussions be taken into Executive Session.

Representative Austin requested that the two matters be discussed prior to moving into Executive Session.

Ms. Patricia Adatao, Deputy CAO for Building and Planning Services, explained the issues involved.

Mr. Eugenio Mesta, Prespectiva representative, presented a Powerpoint presentation (on file in the City Clerk's office) and discussed the Company's position on the negotiations.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to direct the City staff and Perspectiva + 3D/I to meet and engage in negotiations; if there is no agreement at the end of one week, either side could trigger the non-binding mediation clause, after they report to Council.

Motion made by Representative Austin, seconded by Representative Cook and unanimously carried to direct the City Attorney's Office to draft an amendment to the contract to extend the deadline for all deliverables to add 15 days.

NOTE: The word "Perspetiva" was corrected to "Perspectiva".

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No action was taken on the discussion and action to review the Major Thoroughfare Plan of the Metropolitan Planning Organization (MPO) and its Transportation Policy Board.

NOTE: The item was revised from "Master" to "Major".

Mayor Pro Tem Cobos requested that Ms. Terry Quezada, Capital Improvement Program Administrator, provide copies of the comprehensive plan and supplemental maps to all City Council Members. He discussed issues pertinent to the Major Thoroughfare Plan. He asked questions of Ms. Patricia Adauto, Deputy CAO for Building and Planning Services.

Representative Austin asked questions of Ms. Adauto.

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No action was taken on the discussion and action on what statute, ordinance, and/or policy (written or implied), is in place to control, regulate or direct the utilization of the City of El Paso computer system by elected City officials. Specifically, what limitations, if any, are in place concerning the permissible and non-permissible usages of City computer resources by elected City officials, and what safeguards exist to ensure the integrity of these permissible usages, and are they applied in a subjective or objective manner.

Representative Cushing requested that a document be composed explaining the parameters regarding Council Member's utilization of City of El Paso computer equipment/systems.

Ms. Lisa A. Elizondo, City Attorney, stated that the Legal Department would review and compose such a document as directed by Representative Cushing.

Representatives Power, Austin, Cook, and Cobos added comments and asked questions of City staff.

Ms. Theresa Caballero, citizen, commented.

Ms. Lisa Turner, citizen, commented.

Mr. Albert Jefferson, citizen, commented.

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No action was taken on the discussion and action on what statute, ordinance and/or policy (written or implied) exists to ensure the integrity of decisions of City Council by preventing politically motivated written averments, on City stationery, in contradiction to the official position of the City of El Paso being directed to or otherwise circularized, via US Mail or other electronic methods, to other governmental entities.

Mayor Pro Tem Cobos displayed documents (on file in the City Clerk's Office) on the City Council overhead projector.

The following Council Members and individuals commented:

Mayor Pro Tem Cobos, Representatives Austin, Cook, Cushing, Lozano, and Power.

Ms. Lisa A. Elizondo, City Attorney, commented on the legal opinion given to Representative Lozano and stated that each issue should be taken individually.

Mr. Al Velarde, Housing Authority of the City of El Paso, commented.

Ms. Theresa Caballero, private attorney, commented and distributed documents to City Council (on file in the City Clerk's office).

Mr. Jaime O. Perez, citizen, commented.

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*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action to direct the CAO and appropriate departments to take necessary initial steps for a feasibility study to be conducted for an extension of Airway to Delta and to take necessary steps to include such a project into the planning process of the MPO, TIP and CIP.


.....
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to postpone one (1) week the following executive session item: Hector Lopez and Maria Isabel Lopez vs. City of El Paso, et, al., Cause No. 2002-5721, Our File No. 03-S-01 (551.071)

.....
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to postpone one (1) week the following executive session item: Richard Chatterton, Jr., 03-C-283 (551.071)

.....
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to postpone one (1) week the following executive session item: Richard Chatterton, Sr. 03-C-283B (551.071)

.....
Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to adjourn this meeting at 3:26 p.m.
.....

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk